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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DEWAYNE MCGEE RICHARDSON,

No. 2:04-cv-00393-MCE-GGH-P

12 Plaintiff,

13 v.

ORDER

14 R.L. RUNNELS, et al.,

15 Defendants.
16 _____/

17 This action is set for pretrial conference March 25, 2010,
18 and jury trial April 26, 2010. On February 16, 2010, defendants
19 filed a request for leave to file a supplemental summary judgment
20 motion and a request to modify the scheduling order. Defendants
21 also request that the court reset the trial date due to defense
22 counsel's work schedule and upcoming paternity leave.

23 The Ninth Circuit Court of Appeals specifically remanded
24 this action for trial. For that reason, the request for leave to
25 file a supplemental summary judgment motion is denied. The
26 request to modify the scheduling order is also denied.

1 Any additional delay in bringing a 2004 case to trial will not
2 serve the interests of justice. Evidence will become stale and
3 witness memories will continue to fade. In addition, all parties
4 recently argued the merits of this case before the Ninth Circuit
5 so those arguments and the facts of the case should be memorable
6 to everyone involved.

7 Accordingly, IT IS HEREBY ORDERED that defendants' February
8 16, 2010, motion for leave to file a supplemental summary
9 judgment motion and to modify the scheduling order (No. 61) is
10 DENIED. The dates and times set for the Final Pretrial
11 Conference (March 25, 2010 at 2:00 PM) and Jury Trial (April 26,
12 2010 at 9:00 AM) are confirmed.

13 Dated: February 25, 2010

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15 MORRISON C. ENGLAND, JR.
16 UNITED STATES DISTRICT JUDGE
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